

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

COLBY GOROG, JOSHUA FLINT,  
LOUIS ROBINSON, and MICHAEL LERRO,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

ELON MUSK and TESLA, INC.,

Defendants.

**Civil Action No.: 1:22-cv-05037-AKH**

**WITHDRAWAL OF DEFENDANTS'  
OPPOSITION TO MOTION TO FILE  
THIRD AMENDED COMPLAINT AND  
JOINT STIPULATION REGARDING  
BRIEFING SCHEDULE**

Plaintiffs Colby Gorog, Joshua Flint, Louis Robinson, and Michael Lerro, individually and on behalf of all others similarly situated (“Plaintiffs”), by and through their undersigned counsel, and Defendants Elon Musk, and Tesla, Inc. (“Defendants”), by and through their undersigned counsel, hereby stipulate and agree as follows.

WHEREAS, on May 31, 2023, Plaintiffs filed an opposed motion for leave to file a Third Amended Class Action Complaint (the “Motion for Leave to Amend”) (Dkt. No. 73);

WHEREAS, Defendants hereby withdraw their opposition to the Motion for Leave to Amend;

WHEREAS, the parties have conferred and agreed to a briefing schedule for Defendants’ forthcoming motion to dismiss Plaintiffs’ Third Amended Class Action Complaint;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court’s approval:

1. Plaintiffs shall file the Third Amended Class Action Complaint after this stipulation is So Ordered by the Court.
2. The deadline for Defendants to move to dismiss or otherwise respond to the Third Amended Class Action Complaint is on or before August 7, 2023.
3. Plaintiffs will file opposition to any motion to dismiss on or before September 6, 2023.
4. Defendants will file any reply to Plaintiffs’ opposition within 45 days of receipt of Plaintiffs’ response.
5. All rights, claims, and defenses, including with respect to personal jurisdiction and venue, are preserved by all parties.

Respectfully submitted,



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*Attorney for Defendants Elon Musk and  
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June 2, 2023

*s/Evan Spencer*

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*Attorney for Plaintiffs*

**SO ORDERED.**

DATED: \_\_\_\_\_

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Hon. Alvin K. Hellerstein  
U.S. District Judge